

No. 22-10311

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JULI MAZI,
Defendant-Appellant.

On Appeal from the United States District Court
for the Northern District of California, No. CR-22-00036 (Breyer, J.)

**MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT;
DECLARATION OF COUNSEL**

MARK D. FLANAGAN
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January 10, 2023

MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT

I am a member of the Northern District of California's CJA appellate panel and appointed attorney for the Defendant-Appellant Juli Mazi. Per FRAP 4 and Local Rule 4-1, I hereby request to be withdrawn as counsel and for this Court to appoint substitute counsel, as Dr. Mazi has indicated that she does not wish to be represented by me on appeal. The specific factual basis for this motion is set forth in further detail in the attached Declaration of Counsel.

Respectfully submitted,

/s/ Mark D. Flanagan

MARK D. FLANAGAN

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January 10, 2023

DECLARATION OF COUNSEL

I, MARK D. FLANAGAN, hereby declare as follows:

1. I am an attorney licensed to practice law in the courts of the State of California, the United States District Court for the Northern District of California, and the United States Court of Appeals for the Ninth Circuit. I make this Declaration based upon my own personal knowledge, and my review of the record in this matter.
2. On January 4, 2023, I was contacted by the office of the Federal Public Defender to determine whether I could take on a “new sentencing appeal” where the defendant—Dr. Juli Mazi—“pled to healthcare fraud and false statements charges and ... received 33 months of ... jail time.”
3. I agreed and was formally appointed on Thursday, January 5, 2023, to represent Dr. Mazi on appeal.
4. On Friday, January 6, before I had the opportunity to reach out to Dr. Mazi, I was informed by the Northern District U.S. Attorney’s Office that Dr. Mazi had been ordered to self-surrender by noon on that day. The U.S. Attorney’s office also sent me a copy of Dr. Mazi’s emergency motion to stay her self-surrender date that Dr. Mazi had attempted to file *pro se*. The emergency motion did not appear on the docket until later in the day on January 6 and was ultimately rejected because it was filed *pro se*.

5. After the message from the U.S. Attorney's Office, I immediately attempted to contact Dr. Mazi by phone and then by email to discuss her case.

6. On Saturday, January 7, I received an email from Dr. Mazi that she had not been aware of my appointment.

7. On Sunday, January 8, I received a voicemail from Dr. Mazi and responded over email. Later that evening I again followed up over email, arranging a call for the following morning.

8. On Monday, January 9, I spoke with Dr. Mazi about her case as well as her efforts to retain counsel. At the conclusion of this call, Dr. Mazi indicated that she did not wish to proceed with me as her appointed counsel. Later that day, I wrote to Dr. Mazi to confirm that she did not wish to be represented by me as her appointed counsel.

9. On Tuesday, January 10, Dr. Mazi confirmed in writing that she did not wish to be represented by me.

10. Based on Dr. Mazi's declared desire that I not serve as her attorney of record, I am requesting to withdraw as appointed counsel in this matter and request the appointment of substitute counsel.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,

/s/ Mark D. Flanagan

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January 10, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that some of the participants in the case are not registered CM/ECF users. Dr. Juli Mazi will therefore be served via U.S. Mail at the following address:

Dr. Juli Mazi
4146 Ashton Dr.
Sacramento, CA 95864

/s/ Mark D. Flanagan
MARK D. FLANAGAN